



Security Council

Distr.: General
18 April 2002

Original: English

Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 17 April 2002 from the Permanent Mission of Norway to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Norway to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and has the honour to refer to the Chairman's note dated 7 March 2002 and resolution 1390 (2002), and to enclose the report requested in paragraph 6 of resolution 1390 (2002).



Annex to the note verbale dated 17 April 2002 from the Permanent Mission of Norway to the United Nations addressed to the Chairman of the Committee

Report submitted by Norway pursuant to Security Council resolution 1390 (2002)

On the 27 November 2001 Norway submitted a report to the Counter Terrorism Committee (CTC) see UN doc no S 2001 1138. Some of the measures reported to the CTC are also relevant to the 1267-Committee's mandate.

- Legislative action -

Norway implemented the Security Council resolutions 1267 and 1333, concerning sanctions against Usama bin Laden, members of the Al-Qaida and the Taliban, by regulations laid down pursuant to Royal Decree of 22 December 1999 and to Royal Decree of 19 January 2001. Both of these regulations have been laid down pursuant to Act of 7 June 1968 No. 4 relating to the implementation of binding resolutions of the UN Security Council. On 18 January 2002, Norway implemented Security Council Resolution 1390, adopted on 16 January 2002, by amending its regulations pursuant to Royal Decree of 18 January 2002. The sanctions now address resolution 1390, and provide i.a. for the freezing of any funds belonging to the Taliban, Al-Qaida or Usama bin Laden or any other person linked with them.

A provisional ordinance laid down on 5 October 2001 to implement Security Council resolution 1373, prohibiting the financing of terrorism, etc. supplements these provisions, which continue to apply in the areas within their scope.

- Executive actions -

Among specific executive actions in relation to the implementation of resolutions, the Banking, Insurance and Securities Commission has issued guidelines to all banks and financial institutions on their duties concerning freezing of assets and reporting of suspicious transactions to the National Authority for Investigation and Prosecution of Economic and Environmental Crime in Norway (OKOKRIM). The Commission conducts on-site inspections to monitor the finance sector and to ensure that the regulations are complied with correctly. One of the main purposes of the guidelines is to raise awareness among employees in the finance sector in Norway. The Norwegian Prosecuting Authority has also issued guidelines to all police offices and departments on how to deal with cases of suspected financing of terrorism. At the same time, these organisations are working through the media to inform the general public about new measures to combat terrorism and how to deal with suspected cases of terrorism.

Should a financial institution suspect that a transaction is linked to the list adopted by the Sanctions Committee, it shall of its own motion forward any information that may indicate such an offence to OKOKRIM. The financial institution is required, at the request of OKOKRIM, to provide all necessary information concerning the possible offence. A customer or third party shall not be informed that such information as is mentioned has been forwarded.

- Immigration -

Norway shares a common external border with member states of the European Union through the Schengen Cooperation Agreement. Border controls are performed according to the Immigration Act and standards set by the Schengen legislation. As part of the Schengen cooperation, the procedures for issuing visas and residence permits have been strengthened recently.

The Norwegian police have instructions to check information against the Schengen Information System (SIS) whenever an identity control is carried out. This way, all persons stopped for police control, including Norwegian nationals, will be checked against information in the SIS.

At the airports the airline companies have, in accordance with an understanding with the Civil Aviation Authority, tightened the control of passengers. ID control is carried out on all passengers at check-in or boarding, or both. Both hand luggage and baggage for check-in are thoroughly controlled.

Any person may be granted refugee status or a residence permit upon scrutiny and clearance pursuant to the Immigration Act, and any refugee who is granted lawful residence in the realm shall on application be granted a refugee's travel document, unless there are particular reasons, i.e. for denying him or her asylum, in particular that he or she is on the list adopted by the Sanction Committee.

If there is suspicion of misuse, fraud, etc., the travel document may be withdrawn in accordance with the provisions of the Immigration Act.



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Note verbale dated 18 April 2002 from the Permanent Mission of Malta to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Malta to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and has the honour to refer to note dated 7 March 2002 and to enclose the attached report on the steps taken by Malta to implement resolution 1390 (2002) (see annex).



Annex to the note verbale dated 18 April 2002 from the Permanent Mission of Malta to the United Nations addressed to the Chairman of the Committee

Report to the Security Council Committee established pursuant to resolution 1267 (1999) on Malta's implementation of resolution 1390 (2002)

• **Implementation of Paragraph 2 (a)**

Under Maltese legislation, the obligation to freeze the funds and other financial assets or economic resources of Usama bin Laden, members of the Al-Qaida Organization and the Taliban and other individuals, groups, undertakings and entities associated with them as included in the list created pursuant to resolution 1267 (1999) and 1333 (2000) emanates from a number of Legal Notices which have been issued under the National Interest (Enabling Powers) Act of 1993 as follows:

1. Legal Notice 214 (1999)¹. This Legal Notice was issued to implement Resolution 1267 (1999). Paragraph 4 (2) makes it an offence for a citizen of Malta or any person in Malta to:
 - i. withdraw or attempt to withdraw or use or attempt to use any funds or other financial resources owned or controlled by the Taliban, or by any undertaking owned or controlled by the Taliban;
 - ii. pay or attempt to pay, to or for the benefit of the Taliban or any undertaking owned or controlled by the Taliban.
2. Legal Notice 22 (2001)². This Legal Notice was issued to implement Resolution 1333 (2000). Paragraph 4 (5) specifically stipulates that:

"Any funds or other financial assets of Usama bin Laden and individuals and entities associated with him as designated by the Committee³, including those in the Al-Qaida organization, and funds either derived or generated from property owned or controlled directly or indirectly by Usama bin Laden and individuals associated with him, are immediately frozen and cannot be in any way transferred to the persons or entities herein before referred to".

Paragraph 4 (6) of the same Legal Notice prohibits citizens of Malta and persons in Malta from transferring any funds or other financial resources as referred to in paragraph 4(5) above for the benefit of Usama bin Laden, his associates or any entities owned or controlled by Usama bin Laden or individuals and entities associated with him, including the Al-Qaida organization.

¹ Forwarded to the Committee through N.V. dated February 4, 2000.

² Forwarded to the Committee through N.V. dated February 20, 2001.

³ Committee established pursuant to paragraph 6 of resolution 1267 (1999).

3. The consolidated list of persons and entities as drawn up by the Committee established pursuant to paragraph 6 of resolution 1267 (1999) and as regularly updated by the Committee is published in the Government Gazette as a Government Notice. On 1st February 2002 a revised consolidated list taking into consideration all the additions/deletions made up to that date by the UN Afghanistan Sanctions Committee, was published in the Government Gazette. The publication of this list superseded all previously published lists.

More detailed information on this aspect of implementation of paragraph 2 (a) was presented in the report which Malta submitted to the Counter-Terrorism Committee pursuant to resolution 1373 (2001)⁴. In this regard, kindly refer to the answer given in Malta's CTC Report under the heading 'Operative Paragraph 1 sub-paragraph (a)'.

▪ **Implementation of Paragraph 2 (b)**

The prevention of entry or transit through Maltese territory of the persons indicated in the list issued by the Committee established pursuant to resolution 1267 (1999) was implemented through administrative measures. The list (with consequent additions and deletions) has been brought to the attention of the Immigration Service and is inputted in a computerized system of entries. Each and every arriving passenger at all points of entry is checked against this system to ensure detection.

▪ **Implementation of Paragraph 2 (c)**

Malta is in the process of adopting legislation to implement the measure stipulated in this paragraph so as to be in full compliance therewith.

At present Maltese legislation prohibits the supply, sale or transfer to the territory of Afghanistan under Taliban control as designated by the Committee of:

- i. any arms or related material of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment or spare parts for the aforementioned, or use of any vessel or aircraft registered in Malta;
- ii. technical advice, assistance or training related to the military activities of the armed personnel under the control of the Taliban;
- iii. acetic anhydride

The above-mentioned prohibitions emanate from Legal Notice 22 (2001)⁵.

⁴ S/2001/1282

⁵ Forwarded to the Committee through N.V. dated February 20, 2001